

FILED IN U.S. DISTRICT COURT
DISTRICT OF UTAH

JUN 11 2024

GARY P. SEDAR
CLERK OF COURT

BY _____

DEPUTY CLERK

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SEALED

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN GARRY SEWELL, and
KEEN LEE ELLSWORTH,

Defendants.

INDICTMENT

COUNT 1: 18 U.S.C. §§ 371, 1960
(Conspiracy to Conduct an Unlicensed
Money Transmitting Business) (Sewell
and Ellsworth)

COUNT 2: 18 U.S.C. §§ 1960 and 2
(Unlicensed Money Transmitting
Business) (Sewell)

COUNT 3: 18 U.S.C. § 641
(Theft of Government Property) (Sewell)

**Case: 4:24-cr-00054
Assigned To : Nuffer, David
Assign. Date : 6/7/2024
Description: USA v**

The Grand Jury Charges:

Background

At all times relevant to this Indictment:

1. Defendant BRIAN GARRY SEWELL was a resident of Washington County, Utah and Puerto Rico.
2. Defendant KEEN LEE ELLSWORTH was a resident of Washington County, Utah.
3. Rockwell Capital Management was a Delaware company that was also registered in Utah with a registered address in St. George, Utah, and was also registered in Nevada with a registered address in Las Vegas, Nevada.
4. Ellsworth & Associates Ltd. was a Nevada corporation with a registered address in Las Vegas, Nevada.
5. SEWELL owned and operated Rockwell Capital Management.
6. ELLSWORTH owned and operated Ellsworth & Associates Ltd.

COUNT 1

18 U.S.C. §§ 371, 1960

(Conspiracy to Conduct an Unlicensed Money Transmitting Business)

7. All the allegations set forth in this Indictment are incorporated herein by reference and realleged as though fully set forth herein.

8. Beginning at least in or about March 2020 and continuing through at least September 2020, in the District of Utah and elsewhere,

**BRIAN GARRY SEWELL, and
KEEN LEE ELLSWORTH,**

defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown to knowingly conduct, control, manage, supervise, direct, and own all or part of an unlicensed money transmitting business without registering that business as required by 31 U.S.C. § 5330, all in violation of 18 U.S.C. §§ 371 and 1960.

Object of the Conspiracy

9. It was the purpose and object of the conspiracy for the defendants and their coconspirators, whose identities are known and unknown to the Grand Jury, to knowingly conduct, control, manage, supervise, direct, and own all or part of an unlicensed money transmitting business without registering it as required by law and knowing that the transmitted funds were derived from a criminal offense or intended to promote or support unlawful activity.

Overt Acts of the Conspiracy

10. On or about the dates listed below, in the District of Utah and elsewhere, defendants and their coconspirators, whose identities are known and unknown to the Grand Jury, committed and caused to be committed the following overt acts, among others, in

furtherance of the conspiracy, by causing the transmission of funds as part of an unregistered money transmitting business:

Overt Act	Date (on or about)	Amount of Transfer(s)	Transmitting Party or Parties	Receiving Party or Parties
1.	March 13, 2020	\$371,000	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
2.	March 13, 2020	\$402,628	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
3.	April 13, 2020	\$198,470	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
4.	April 13, 2020	\$198,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
5.	April 24, 2020	\$50,000	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
6.	April 24, 2020	\$50,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
7.	April 28, 2020	\$25,742.19	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
8.	April 28, 2020	\$25,611.52	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency

9.	May 6, 2020	\$178,620	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
10.	May 6, 2020	\$178,620	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
11.	May 12, 2020	\$108,845	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
12.	May 12, 2020	\$145,845	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
13.	May 18, 2020	\$122,470	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
14.	May 18, 2020	\$101,940	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
15.	May 18, 2020	\$224,410	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
16.	May 27, 2020	\$126,739.50	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
17.	May 27, 2020	\$126,739	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
18.	June 8, 2020	\$146,242.50	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management

19.	June 8, 2020	\$146,242.50	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
20.	June 15, 2020	\$131,615.25	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
21.	June 15, 2020	\$131,615.25	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
22.	June 24, 2020	\$101,385.60	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
23.	June 24, 2020	\$102,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
24.	June 30, 2020	\$126,739.50	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
25.	July 10, 2020	\$109,186.80	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
26.	July 10, 2020	\$107,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
27.	July 22, 2020	\$113,245	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
28.	July 22, 2020	\$157,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency

29.	July 27, 2020	\$111,005	ELLSWORTH Ellsworth & Associates	Business with initials C.C.H.
30.	July 31, 2020	\$150,133.25	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
31.	July 31, 2020	\$148,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
32.	August 4, 2020	\$63,719.20	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
33.	August 10, 2020	\$9,455	ELLSWORTH Ellsworth & Associates	Business with initials C.C.H.
34.	August 10, 2020	\$10,000	ELLSWORTH Ellsworth & Associates	Individual with initials M.J.C.
35.	August 10, 2020	\$297,920	ELLSWORTH Ellsworth & Associates	Business with initials C.C.H.
36.	August 12, 2020	\$129,497.50	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
37.	August 14, 2020	\$39,163.15	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
38.	August 21, 2020	\$34,090.40	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management

39.	August 27, 2020	\$142,795	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
40.	August 27, 2020	\$140,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
41.	August 28, 2020	\$49,860.25	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
42.	August 28, 2020	\$40,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
43.	Sept. 3, 2020	\$71,820.83	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
44.	Sept. 3, 2020	\$75,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
45.	Sept. 9, 2020	\$82,710	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management
46.	Sept. 9, 2020	\$155,000	SEWELL Rockwell Capital Management	Third-party payment platform used to purchase cryptocurrency
47.	Sept. 10, 2020	\$32,514.40	ELLSWORTH Ellsworth & Associates	SEWELL Rockwell Capital Management

COUNT 2
18 U.S.C. § 1960
(Unlicensed Money Transmitting Business)

11. All the allegations set forth in this Indictment are incorporated herein by reference and realleged as though fully set forth herein.

12. Between at least on or about June 19, 2020 and continuing until at least on or about May 12, 2021, in the District of Utah and elsewhere,

BRIAN GARRY SEWELL,

defendant herein, did knowingly conduct, control, manage, supervise, direct, and own all or part of an unlicensed money transmitting business without registering that business as required by 31 U.S.C. § 5330, and did aid and abet others in conducting, controlling, managing, supervising, directing, and owning all and part of an unlicensed money transmitting business, all in violation of 18 U.S.C. §§ 1960 and 2.

13. SEWELL operated an unlicensed money transmitting business by accepting wire transfers of funds, transferring those funds to a third-party payment platform used to purchase cryptocurrency, purchasing cryptocurrency, and sending the cryptocurrency to wallets, including by doing so on behalf of Entity 1 in transactions involving at least 21 wire transfers involving over \$2.6 million.

COUNT 3
18 U.S.C. § 641
(Theft of Government Property)

14. All the allegations set forth in this Indictment are incorporated herein by reference and realleged as though fully set forth herein.

15. Between on or about May 12, 2021 and on or about May 16, 2021, in the District of Utah and elsewhere,

BRIAN GARRY SEWELL,

defendant herein, did embezzle, steal, purloin, and knowingly convert to his own use, and, without authority, conveyed, property belonging to the United States, to wit: \$217,727.23, in violation of 18 U.S.C. § 641.

NOTICE OF INTENT TO SEEK FORFEITURE

Pursuant to 18 U.S.C. § 982(a)(1), upon conviction of any offense in violation of 18 U.S.C. § 1960, the defendant(s) shall forfeit to the United States of America any property, real or personal, involved in such violations, and any property traceable to such property. The property to be forfeited includes, but is not limited to the following:

- A money judgment equal to the value of all property involved in the money laundering and any property traceable to such property and not available for forfeiture as a result of any act or omission of the defendant(s) for one or more of the reasons listed in 21 U.S.C. § 853(p).
- Substitute property as allowed by 21 U.S.C. § 853(p) via 18 U.S.C. § 982(b).

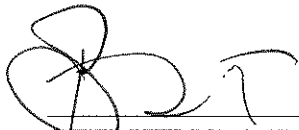
Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), upon conviction of any offense violating 18 U.S.C. § 641, SEWELL shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the offense. The property to be forfeited includes, but is not limited to, the following:

- A money judgment equal to the value of any property not available for forfeiture as a result of any act or omission of the defendant(s) for one or more of the reasons listed in 21 U.S.C. § 853(p).
- Substitute property as allowed by 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p).

A TRUE BILL:

/s/
FOREPERSON OF GRAND JURY

TRINA A. HIGGINS
United States Attorney



STEPHEN P. DENT
JENNIFER K. MUYSKENS
Assistant United States Attorneys